

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA**

Michael Manley and Angela Baglione, h/w	:	
927 Alpha Drive	:	
Wilmington, DE 19810	:	No.
Plaintiffs	:	
v.	:	
Concelli Toyota of Springfield	:	
860 Baltimore Pike	:	
Springfield, PA 19064	:	
and	:	
CP Springfield, LLC	:	
860 Baltimore Pike	:	
Springfield, PA 19064	:	
and	:	
Conicelli Toyota	:	
1200 Ridge Pike	:	
Conshohocken, PA 19428	:	
and	:	
Copac, Inc.	:	
c/o Law Offices of Michael J. O'Connor	:	
52 N. Lehigh Avenue	:	
Frackville, PA 17931	:	
and	:	
Concelli Toyota of Conshohocken	:	
1200 Ridge Pike	:	
Conshohocken, PA 19428	:	
and	:	
R & A Springfield Investments, Inc.	:	
860 Baltimore Pike	:	
Springfield, PA 19064	:	
and	:	
The Potamkin Companies	:	
130 Spruce Street	:	
Philadelphia, PA 19106	:	
and	:	
Potamkin Toyota North, Inc.	:	
860 Baltimore Pike	:	
Springfield, PA 19064	:	
and	:	
Potamkin Toyota, Inc.	:	
860 Baltimore Pike	:	
Springfield, PA 19064	:	
Defendants	:	

**COMPLAINT IN CIVIL ACTION**

**I. INTRODUCTION**

This action seeks the recovery of damages as a result of personal injuries suffered by plaintiffs, Michael Manley and Angelia Baglione, h/wl, on January 9, 2017 as a result of an slip and fall accident which occurred at Conicelli Toyota of Springfield, 860 Baltimore Pike, Springfield PA as a direct result of the negligence of Defendants.

**II. PARTIES**

1. Plaintiff, Michael Manley is an adult individual residing at 927 Alpha Drive, Wilmington, DE 19810.

2. Angela Baglione is an adult individual who resides at 927 Alpha Drive, Wilmington, DE 19810.

3. At all times relevant hereto, Plaintiffs Michael Manley and Angela Baglione are husband and wife.

4. Defendant, Conicelli Toyota of Springfield is a Pennsylvania fictitious name with a principal place of business located at 860 Baltimore Pike, Springfield, PA 19064.

5. Defendant, CP Springfield, LLC is a Pennsylvania corporation with a principal place of business located at 860 Baltimore Pike, Springfield, PA 19064.

6. At all times relevant hereto, Conicelli Toyota of Springfield is the fictitious name of CP Springfield, LLC.

7. Defendant, Conicelli Toyota is a Pennsylvania fictitious name with a principal place of business located at 1200 Ridge Pike, Conshohocken, PA 19428.

8. Defendant, Copac, Inc. is a Pennsylvania corporation with and address of c/o Law Offices Michael J. O'Connor, 52 N. Lehigh Avenue, Frackville, PA 17931.

9. At all times relevant hereto, Conicelli Toyota is the fictitious name of Copac, Inc.

10. Conicelli Toyota of Conshohocken is a Pennsylvania fictitious name with a principal place of business located at 1200 Ridge Pike, Conshohocken, PA 19428.

11. At all times relevant hereto, Conicelli Toyota of Conshohocken is the fictitious name of Copac, Inc.

12. R & A Springfield Investments, LLC is a is a Pennsylvania corporation with a principal place of business located at 860 Baltimore Pike, Springfield, PA 19064.

13. At all times relevant hereto, R & A Springfield Investments, LLC owns the property located at 860 Baltimore Pike, Springfield, PA 19064.

14. The Potamkin Companies is a Pennsylvania company with a principal place of business located at 130 Spruce Street, Philadelphia, PA 19106.

15. Potamkin Toyota North, Inc. is a Pennsylvania corporation with a principal place of business located at 860 Baltimore Pike, Springfield, PA 19064.

16. Potamkin Toyota, Inc. is a Pennsylvania corporation with a principal place of business located at 860 Baltimore Pike, Springfield, PA 19064.

17. At all times relevant hereto, Defendants Concelli Toyota of Springfield, CP Springfield, LLC, Concilli Toyota, Copac, Inc., Conicelli Toyota of Conshohocken, R & A Springfield Investments, Inc., The Potamkin Companies, Potamkin Toyota North, Inc. and Potamkin Toyota, Inc. owned, maintained and controlled the premises at 860 Baltimore Pike, Springfield, PA. All the Defendants had a duty to protect business invitees, such as Plaintiff Michael Manley, from all dangerous and defective conditions which existed on the premises.

### **III. JURISDICTION AND VENUE**

18 Jurisdiction of this dispute is conferred by virtue of the diversity of citizenship of the litigants pursuant to 28 U.S.C. Section 1332, et. seq.

19. Venue is proper as the causes of actions arose in this district.

### **IV. STATEMENT OF FACTS**

#### **NEGLIGENCE**

20. On or about January 9, 2017, Plaintiff, Michael Manley, while exercising due care and caution for his person, was exiting Defendant, Conicelli Toyota of Springfield at 860 Baltimore Pike, Springfield, PA on the declining ramp when he suddenly and violently fell due to the negligent, reckless, inappropriate and excessive application of rock salt. As a direct result of the negligent conduct of Defendants, Plaintiff sustained personal injuries.

21. As a result of the aforementioned negligence, Plaintiff, Michael Manley sustained the following injuries, including, but not limited to: left leg fracture requiring surgery and plate and screws inserted permanently in his fibula and, other personal injuries which may be determined in the future.

22. The aforementioned negligence of Defendants was the proximate cause of the injuries sustained by Plaintiff, Michael Manley.

23. As a direct and proximate result of the aforementioned negligence of Defendants, Plaintiff, Michael Manley, has been obligated to spend and/or incur medical bills, and has suffered severe physical pain and mental anguish.

24. As a further result of the aforementioned negligence of Defendants, Plaintiff, Michael Manley, has suffered great physical pain, disfigurement, mental anguish, humiliation,

inconvenience and the loss of life's pleasure and has been and will continue to be unable to perform her usual vocations and avocations. Plaintiff, Michael Manley., will continue to suffer same for an indefinite time in the future.

25. As a further result of the aforementioned negligence of Defendants, Plaintiff, Michael Manley has been unable to perform his usual vocations and avocations causing Plaintiff to sustain loss of income and loss of earning capacity. Plaintiff, Michael Manley, will continue to suffer same for an indefinite time in the future.

**WHEREFORE**, the Plaintiffs pray this lawful Court shall enter a judgment against the Defendants:

(a) awarding Plaintiffs compensatory damages as provided by law, not in excess of \$150,000.00 along with interest and costs to suit;

(b) for delay damages as provided by the laws of the Commonwealth of Pennsylvania; and,

(c) for such additional and further equitable relief as may be just and equitable this lawful Court shall enter a judgment against the Defendants.

## **SECOND COUNT**

### **LOSS OF CONSORTIUM**

26. At all times relevant hereto, Plaintiff, Angela Baglione, was and remains the wife of Plaintiff, Michael Manley.

27. As a result of the injuries to Plaintiff, Michael Manley, heretofore described, Plaintiff, Angela Baglione, has sustained a loss of consortium, i.e. society, companionship, services and sexual relations.

**WHEREFORE**, the Plaintiffs pray this lawful Court shall enter a judgment against the Defendants:

- (a) awarding the Plaintiffs compensatory damages as provided by law, not in excess of \$150,000.00 along with interest and costs of suit;
- (b) for delay damages as provided by the laws of the Commonwealth of Pennsylvania; and
- (c) for such additional and further equitable relief as may be just and equitable

**LAW OFFICES OF ROBERT F. STRANICK**

BY: 

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ROBERT F. STRANICK

DATE: January 7, 2019